

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

MOLINA,

No. C-14-04201 DMR

Plaintiff(s),

**ORDER DENYING MOTION TO
DISMISS [DOCKET NO. 12] AS MOOT**

v.


J.C. PENNEY COMPANY, INC.,

Defendant(s).

Plaintiffs filed the Complaint on September 17, 2014. [Docket No. 1.] On October 22, 2014, Defendant filed a motion to dismiss the Complaint pursuant to Federal Rule of Civil Procedure 12(b)(6). [Docket No. 12.] Plaintiffs filed an amended complaint on October 28, 2014, a date which falls within the 21 day period authorized by the Federal Rules. *See* Fed. R. Civ. P. 15(a)(1)(B) (permitting a party to amend its pleading as a matter of course within 21 days after service of a motion under Rule 12, if the pleading is one to which a responsive pleading is required). Accordingly, Defendant's motion to dismiss is **denied as moot**.

IT IS SO ORDERED.

Dated: November 5, 2014



DONNA M. RYU
United States Magistrate Judge